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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,556	03/25/2004	Shoichi Suzuki	03500.018043.	4762
5514 7590 09/03/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER WANG, KENT F	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/808,556	Applicant(s) SUZUKI ET AL.	
	Examiner KENT WANG	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 06/30/2009, have been entered and made of record. Claims 1-2, 4 and 6-8 have been amended and claim 11 has been added. Claims 1-2, 4-8 and 11 are pending.

Response to Argument

2. Applicant's arguments with respect to independent claims 1 and 8 have been considered but are moot in view of the newly found prior art references.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-2, 4, and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto (US 6,072,526).

Regarding claim 1, Hashimoto discloses an image pickup device (a video camera, Fig 34) comprising:

- an imaging device (an image sensor device 103 such as a CCD, Fig 34);

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- an instruction unit (a color reproduction selecting mechanism 411, Fig 7) that instructs the selection of a given chromatic color area on a photography screen (the camera is provided with a color reproduction selecting mechanism 411 for providing a signal to the microcomputer 410) (col. 7, line 66 to col. 8, line 12);
- a storage unit (the control processing portion 112 has a memory, Fig 34) that stores a preset color detection range for a first person's skin color (skin color detection signal C) and an additional color detection range for a second person's skin color (skin color detecting signal B) which is additionally set by a user's operation (the skin color detecting signal B is outputted only when the indicating signal A is inputted) (col. 20, line 41 to col. 22, line 27);
- a selection unit (control processing portion 112, Fig 34) that selects one of the first (skin color detection signal C) and second persons' skin colors (skin color detecting signal B) (col. 20, lines 41-54 and col. 21 line 61 to col. 22, line 27);
- a white balance processing unit (a white balance sensor 114, Fig 34) that specifies a color detection range of a skin color on the basis of the selection result by said selection unit (control processing portion 112, Fig 34), and conducts white balance processing in accordance with a white balance coefficient that corresponds to a color temperature of the light source obtained on the basis of the specified color detection range and an output signal of the imaging device representing a parameter of the selected given chromatic color area (the gain for white balance is controlled through the control processing portion 112 based on color temperature information, of object lighting light, obtained by a white

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balance sensor 114 of external light type to realize a predetermined white balance, as the control processing portion 112, which is provided with control data corresponding to color temperature information, outputs control data corresponding to the color temperature information provided by the white balance sensor 114 to the gain variable amplifiers) (col. 20, lines 4-30); and

- a user interface unit (a color reproduction selecting mechanism 411, Fig 7) that allows a user to adjust the additional color detection range on a color space (the camera is provided with a microcomputer 410 for controlling the color reproduction correcting circuit 408 and a color reproduction selecting mechanism 411 for providing a signal to the microcomputer 410, as Figs 9 , 10 and 11 show examples of the color reproduction selecting mechanism 411 for the user to obtain a favorite skin color and Figs 38A-38B illustrates the color reproduction selecting process) (col. 8, line 60 to col. 9, line 15 and col. 23, line 58 to col. 24, line 33).

Regarding claim 2, Hashimoto discloses the white balance processing unit (a white balance sensor 114, Fig 34) calculates color evaluated values on the basis of the output signal of the image imaging device (an image sensor device 103 such as a CCD, Fig 34), and specifies the color detection range of the skin color the color temperature of the light source on the basis of a color evaluated value that is judged determined to be included in the selected a predetermined chromatic color detection area among the calculated color evaluated values (the gain for white balance is controlled through the control processing portion 112 based on color temperature information, of object lighting light, obtained by a white balance sensor 114 of external light type to realize a predetermined white balance, as the control

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processing portion 112, which is provided with control data corresponding to color temperature information, outputs control data corresponding to the color temperature information provided by the white balance sensor 114 to the gain variable amplifiers) (col. 19, line 53 to col. 20, line 30).

Regarding claim 4, Hashimoto discloses the additional color detection range (skin color detecting signal B) is set on the basis of the difference between a color evaluated value calculated using the preset color detection range (a person data portion 115 where person information is stored, Fig 34) and a color evaluated value of an actually photographed person's skin color (the skin color detecting portion 111 is provided with a clock CLK and receives an indicating signal A from the control processing portion 112, and the magnification calculating portion 113 obtains a focal length f of the taking lens 1 from zoom information thereof, and a distance L_s from an object to a front principal point of the taking lens 101 from distance measurement information, as the indicating signal A from the control processing portion 112) (col. 20, lines 41-67).

Regarding claim 8, this claim differs from claim 1 only in that the claim 1 is an apparatus claim whereas claim 8 is a method. Thus the method claim 8 is analyzed and rejected as previously discussed with respected to claim 1 above.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto (US 6,072,526) in view of Shimizu (US 6,862,039).

Regarding claim 5, the limitations of claim 1 are taught above, Hashimoto does not explicitly disclose an instruction unit comprises one of a touch panel and a visual line input. Shimizu discloses an instruction unit comprises one of a touch panel (monitor 30) and a visual line input (function selection button 36 and decision button 38) (3:29-33 and 4:32-55, Shimizu).

It would have been obvious to one of ordinary skill in the art at the time this invention was made to use the touch panel as taught by Shimizu in the Hashimoto' white balance apparatus, so as to enable the operator to finely and easily to adjust the color tone of a subject (col. 1, line to col. 2, line 10, Shimizu).

7. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto (US 6,072,526) in view of Takahashi (US 2003/0090750).

Regarding claim 6, the limitations of claim 1 are taught above, Hashimoto does not the preset color detection range is a plurality of preset color detection range. However, Takahashi discloses an image pickup device wherein the preset color detection range is a plurality of preset color detection range (provide a method for density correction which is a technique for detecting an area of skin color out of an image to obtain an appropriate print density based on information on the area of skin color, in other word the area is selected from a plurality of areas) ([0018], Takahashi).

It would have been obvious to one of ordinary skill in the art at the time this invention was made to use the detecting technique as taught by Takahashi in the Hashimoto' white

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balance apparatus, so as to realize white balance correction appropriately and efficiently and with better high yield in applying digital image processing to inputted image data ([0017], Takahashi).

8. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto in view of Takahashi, and further in view of Wheeler (US 7,133,070).

Regarding claim 7, Hashimoto as modified by Takahashi does not disclose the preset color detection range is selected on the basis of an input language that is inputted to the image pickup device by a photographer. However, Wheeler discloses an input language (voice-actuated input) that is inputted to the image pickup device (a digital camera 300) by a photographer (the photofinisher) (col. 13, line 51 to col. 14, line 6 and figure 8, Wheeler).

Hashimoto, Takahashi, and Wheeler are analogous art because they are from the same field of endeavor for white balance processing in an image pickup device. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Wheeler's voice-actuated input in the Hashimoto and Takahashi's device for image processing. The suggestion/motivation would have been to enable the instruction unit to function of great versatility, therefore to accept instructions by a variety of means (col. 11, lines 25-58, Wheeler).

Allowable Subject Matter

9. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Hoshuyama et al. (US 6,906,744) provide an electronic camera that is capable of minimizing the occurrence of the fading/tinting phenomenon in a satisfactory manner by implementing white balance adjustment based upon the results of analysis of the photographic scene;
- Kuwata et al. (US 6,947,078) provide a color correction apparatus capable of carrying out appropriate color correction, a color correction method, and a recording medium having a color correction control program recorded;
- Takahashi (US 7,146,041) discloses a method and apparatus estimate a color temperature of a photographing light source with which a color image has been taken by using at least gray and/or skin color information contained in an input color image and correct image signals of the color image based on the estimated color temperature; and
- Ikeda (US 2002/0018129) provides an image processing device which can carry out an accurate white balance adjustment even if white subjects and chromatic color subjects having colors close to the characteristic of black-body radiation.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer

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Service Representative or access to the automated information system, call 800-786-9199 (IN

USA OR CANADA) or 571-272-1000.

/TUAN HO/

Primary Examiner, Art Unit 2622

KW

28 August 2009